

## **Remarks**

### **Statement under 37 CFR 1.111**

37 CFR 1.111 requires that the basis for amendments to the claims be pointed out after consideration of the references cited or the objections made. 37 CFR 1.111 states in part that: *In amending in response to a rejection of claims in an application or patent undergoing reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections.* The Assignee notes that this requirement is not relevant to the instant application because, as detailed in prior responses, there are no references or objections to avoid. Having said that, the Assignee notes that the primary reasons a few claims were amended was to correct clerical errors and to put the claims into final form for allowance and issue.

### **Reservation of rights**

The Assignee hereby explicitly reserves the right to present the modified and/or canceled claims for re-examination in their original format. The cancellation or modification of pending claims to put the instant application in a final form for allowance and issue is not to be construed as a surrender of subject matters covered by the original claims before their cancellation or modification.

### **Conclusion**

In the notice of non compliant amendment mailed March 23, 2009, the Examiner incorrectly stated that the Assignee had not provided a statement under 37 CFR 3.73(b) establishing the right to take action with respect to the instant application. A review of the file shows that a statement to that effect was submitted on October 16, 2005. The pending claims as amended herein are of a form and scope for allowance. Prompt notification thereof is respectfully requested.

Respectfully submitted,  
Asset Trust, Inc.

/B.J. Bennett/

B.J. Bennett, President  
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